

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

BY REQUEST OF THE HOUSE FISH, WILDLIFE, AND PARKS STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO ALTERNATIVE LIVESTOCK RANCHES; ESTABLISHING A CHRONIC WASTING DISEASE TESTING AND MITIGATION INCENTIVE PROGRAM FOR ALTERNATIVE LIVESTOCK LICENSEES WHO AGREE TO VOLUNTARILY TERMINATE THEIR LICENSES BY DECEMBER 31, 2007; PROVIDING THAT A CONDITION FOR PARTICIPATION IN THE PROGRAM INCLUDES AN AGREEMENT THAT THE ALTERNATIVE LIVESTOCK RANCH LICENSEE WILL NOT PURSUE LITIGATION AGAINST THE STATE OR CONDUCT FURTHER BREEDING OF DEER AND ELK ON THE ALTERNATIVE LIVESTOCK RANCH; ALLOWING ALTERNATIVE LIVESTOCK RANCH LICENSEES WHO AGREE TO PARTICIPATE IN THE PROGRAM TO REDUCE THEIR STOCK THROUGH FEE SHOOTING PRIOR TO DECEMBER 31, 2007, IF THEIR RANCH WAS PREVIOUSLY PERMITTED FOR A FEE SHOOTING OPERATION, AND TO RECEIVE COMPENSATION FOR EACH ANIMAL SUBMITTED FOR TESTING OR TRANSFERRED LIVE OUT OF STATE; PROVIDING THAT ALTERNATIVE LIVESTOCK RANCH LICENSEES WHO DECIDE NOT TO PARTICIPATE IN THE PROGRAM MAY NOT CONDUCT FEE SHOOTING OR TRANSFER ALTERNATIVE LIVESTOCK TO PARTICIPATING ALTERNATIVE LIVESTOCK RANCHES; AMENDING SECTION 87-4-414, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Voluntary chronic wasting disease testing and mitigation incentive program -- conditions for participation and restrictions on nonparticipants. (1) There is a chronic wasting disease testing and mitigation incentive program to be administered by the department. Participation in the program is voluntary and is limited to alternative livestock ranch licensees who agree to the conditions of this section.

(2) An alternative livestock ranch licensee who agrees to participate in the chronic wasting disease testing and mitigation incentive program shall, whenever an alternative livestock animal is harvested, provide to the department whatever parts of the animal are necessary for the department to test for the presence of

1 chronic wasting disease. In return for participation in the program, the alternative livestock ranch licensee must
2 be paid a reasonable amount for each animal submitted for testing and for any live alternative livestock that are
3 transferred out of state.

4 (3) The department shall keep a record of all alternative livestock submitted for testing pursuant to
5 subsection (2) and a record of all live alternative livestock transferred out of state. Payment for testing or transfer
6 may not be made to a participating alternative livestock ranch licensee prior to July 1, 2006. The department may
7 charge and collect from the alternative livestock ranch licensee an administrative fee commensurate with the
8 cost of conducting the chronic wasting disease test.

9 (4) As a condition of participation in the program, an alternative livestock ranch licensee shall agree to:

10 (a) surrender the licensee's alternative livestock ranch license by December 31, 2007;

11 (b) conduct no further breeding of deer and elk alternative livestock; and

12 (c) sign a waiver releasing the state from any liability related to the licensing and administration of the
13 alternative livestock ranch.

14 (5) In order to reduce existing stock, an alternative livestock ranch licensee who agrees to participate
15 in the chronic wasting disease testing and mitigation incentive program may, if the ranch was previously licensed
16 as a harvest facility, conduct fee shooting prior to December 31, 2007. An alternative livestock ranch licensee
17 who agrees to participate in the program may transfer alternative livestock to another participating alternative
18 livestock ranch prior to December 31, 2007.

19 (6) An alternative livestock ranch licensee who does not agree to participate in the chronic wasting
20 disease testing and mitigation incentive program may not:

21 (a) conduct fee shooting under subsection (5); or

22 (b) transfer alternative livestock from that alternative livestock ranch to any participating alternative
23 livestock ranch.

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25 **Section 2.** Section 87-4-414, MCA, is amended to read:

26 **"87-4-414. Alternative livestock as private property -- source -- marking -- fee shooting prohibited**
27 **-- exception.** (1) All alternative livestock lawfully possessed on a licensed alternative livestock ranch are private
28 property for which the licensee is responsible as provided by law.

29 (2) ~~The~~ Unless a licensee has agreed to participate in the chronic wasting disease testing and mitigation
30 incentive program in [section 1], the licensee may acquire, breed, grow, keep, pursue, handle, harvest, use, sell,

1 or dispose of the alternative livestock and their progeny in any quantity and at any time of year as long as the
2 licensee complies with the requirements of this part, except that the licensee may not allow the shooting of game
3 animals or alternative livestock, as defined in 87-2-101 or 87-4-406, or of any exotic big game species for a fee
4 or other remuneration on an alternative livestock facility.

5 (3) A licensee shall mark alternative livestock in a manner approved by the department of livestock, as
6 required under subsection (4), and that indicates ownership and provides individual identification of animals for
7 inspection, transportation, reporting, and taxation purposes.

8 (4) The department of livestock is responsible for the control, tracking, and distribution of identification
9 tags used for the marking of alternative livestock. The department of livestock shall require that all imported
10 alternative livestock are marked within 30 days of importation and that all other alternative livestock are marked
11 prior to January 1 of each year. Each alternative livestock must be marked with identification that:

12 (a) is unique to the animal;

13 (b) is nontransferable;

14 (c) has an emblem owned and registered by the department of livestock that is embossed on each
15 identification tag; and

16 (d) allows for the identification of alternative livestock from a distance.

17 (5) Upon the request of a licensee, the department of livestock may grant a temporary waiver as to the
18 time for identification and to the manner of identification if necessary to address a special circumstance.

19 (6) Alternative livestock must be lawfully acquired by the licensee. Alternative livestock may be kept only
20 on a licensed alternative livestock ranch. A licensee who keeps alternative livestock owned by, leased to, or
21 leased from another person shall comply with all of the requirements of this part as if the animal belonged to the
22 licensee. Records and reports submitted by the licensee pursuant to 87-4-417 must identify any alternative
23 livestock kept by the licensee during the reporting period and the name and address of the owner or lessee.

24 (7) Except as otherwise provided in this part, laws applicable to game animals do not apply to
25 alternative livestock raised on a licensed alternative livestock ranch."
26

27 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
28 integral part of Title 81, chapter 2, part 1, and the provisions of Title 81, chapter 2, part 1, apply to [section 1].
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30 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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